

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of noise attenuation comprising the steps of:
generating a noise canceling signal;
sensing ~~for a system condition~~ a throttle position; and
ceasing the generation of the noise canceling signal based upon the ~~system condition~~ throttle position.
2. (Currently Amended) The method of claim 1 ~~wherein the system condition relates to engine noise~~ including the step of sensing engine noise and determining whether the engine noise exceeds a predetermined level.
3. (Currently Amended) The method of claim ~~1~~ 2 ~~wherein the system condition relates to background sound~~ including the step of sensing background sound and relating the engine noise to the background sound.
4. (Currently Amended) The method of claim ~~1~~ 3 ~~wherein the system condition relates to the relationship between engine noise and the background sound~~ are related by a ratio.

5. (Currently Amended) The method of claim 1 wherein ~~the system condition relates to throttle position~~ceasing occurs when the throttle position is less open than a predetermined position.

6. (Currently Amended) The method of claim 1 further including the step of sensing for a change in the ~~system condition~~throttle position.

7. (Currently Amended) The method of claim 6 further including the step of generating the noise canceling signal when the ~~change in system condition is sensed~~throttle position is greater than a predetermined position.

8. (Cancelled)

9. (Currently Amended) ~~The method of claim 8 further including the step of~~A method of noise attenuation comprising the steps of:

generating a noise canceling signal;

sensing for a system condition;

ceasing the generation of the noise canceling signal based upon the system condition; and

ceasing the generation of the noise canceling signal when the number of recordings exceed a preset level.

10. (Original) The method of claim 9 further including the step of issuing an error message.

11. (Original) The method of claim 9 further including the step of waiting a set period of time before sensing for the system condition and generating the noise canceling signal.

12. (Currently Amended) A method of noise attenuation comprising the steps of:
generating a noise canceling signal;
sensing for an ~~system condition~~engine noise; and
ceasing the generation of the noise canceling signal ~~based upon the system condition wherein the system condition relates to the relationship between engine noise and background sound~~in the event the engine noise does not exceed a predetermined level.

13. (Currently Amended) The method of claim 12 wherein ~~the system condition relates to throttle position~~the engine noise comprises a ratio of the engine noise to background sound.

14. (Currently Amended) The method of claim 12 further including the step of sensing for a change in the ~~system condition~~engine noise.

15. (Currently Amended) The method of claim 14 further including the step of generating the noise canceling signal when the ~~change in system condition is sensed~~engine noise exceeds the predetermined level.

16. (Currently Amended) The method of claim 12 further including the step of recording the ceasing of the generation of the noise canceling signal based upon the ~~system condition~~engine noise not exceeding the predetermined level.

17. (Currently Amended) An air induction system comprising:
an air induction body;
a speaker in proximity to said air induction body;
at least one sensor for sensing ~~an~~a system condition that will result in a generation of an undesirable noise from said speaker; and
a control unit with a noise cancellation feature, said control unit in communication with said speaker and said sensor wherein said control unit is configured to disable ~~disables~~ said noise cancellation feature ~~based upon when~~ when said system condition is detected.

18. (Currently Amended) The air induction system of claim 17 wherein said predetermined system condition is based on an engine noise level received by ~~said a~~ microphone.

19. (Currently Amended) The air induction system of claim 17 wherein said ~~predetermined~~ system condition is based on a background noise level received by ~~said a~~ microphone.

20. (Currently Amended) The air induction system of claim 17 wherein said ~~predetermined~~ system condition is based on a relationship between an engine noise level and a background noise level.